Michael J. Whitton

Partner

San Diego San Francisco

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Clients rely on Mike as trusted outside general counsel, turning to him for advice on legal and business issues. His unique and diverse practice consists of handling complex real estate transactional matters as well as providing litigation strategy.

OVERVIEW

Mike is well regarded for his ability to provide his clients with strategic insight throughout their business life cycles. As both a transactional attorney and a trusted advisor on litigation strategy, Mike offers clients holistic advice that considers their broader business goals, risks, and opportunities.

Mike advises and counsels public and private companies, real estate investment trusts, and lending and financial institutions on sophisticated and complex real estate matters throughout the U.S. His clients call on him for assistance with a range of matters, including the formation and termination of large-scale joint ventures, portfolio acquisitions, real estate development, private equity investments, strategic alliances, and debt and equity financing and restructuring.

Mike has a national reputation as a go-to advisor in transactions involving golf courses/country clubs, marinas, hotels, and other resort properties in the hospitality sector, and has experience negotiating tournament, hospitality and/or sponsorship agreements with private clubs, PGA, and the USGA. Mike also handles deals that involve businesses with significant real estate assets, such as automobile dealerships and service stations, self-storage businesses, manufacturing and power plants, and port storage and ship loading facilities.

Many of Mike’s clients call on him to supervise their most complex litigation matters. He builds effective and efficient teams, manages cases and budgets, participates in trials and, as needed, develops settlement strategies and leads mediation and settlement conferences.

Mike is a California real estate broker.

REPRESENTATIVE MATTERS

Transactional Matters

- Representation of a global chemical distributor in a $173 million sale-leaseback of a 22 property portfolio of chemical plants across the U.S., including full management of the transaction, diligence, document negotiation,

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and closing coordination.

- Represented a diversified and vertically integrated construction company in a public-private partnership that covered the design, construction, financing, maintenance, and operations of a fiber-optic network consisting of more than 3,000 miles of fiber-optic cable with multiple redundant loops, valued at $275 million.
- Working to significantly expand a client's worldwide export facilities, including the acquisition of leasehold sites, construction of new facilities, and the addition of new and reconfigured rail tracks, by working with affiliated service providers, including stevedores and labor unions, and coordinating the acquisition of necessary environmental permits.
- Representation of a global leader in automotive systems and components manufacturing company on a complex global sale-leaseback of 25 manufacturing plants across the United States, Mexico, Europe, Asia, and the Middle East.
- Handled work related to an extensive, three-party fiber-optic infrastructure project with a major social media company, utilizing one of North America's largest railroad right-of-ways between two major U.S. cities.
- Handled the dismantling and dissolution of a $200 million petroleum coke terminal in the Port of Los Angeles, which included over four years of complex litigation and settlement negotiations with the City of Los Angeles, labor groups, the operating management company, equipment lessors, salvage purchasers, the tax assessor, and environmental agencies, and involved claims in excess of $400 million.
- Helping the chief executive officers of three international companies form a new entity, negotiating multiparty agreements for the purchase of steel from a new mill in Asia as well as the exclusive brokering to other international purchasers/consumers.
- Handled the purchase of a 221-guest-room hotel on Fisherman's Wharf in San Francisco, including the negotiation of branding and management agreements.
- Representation of a global chemical distributor in a $292 million sale-leaseback of a 30 property portfolio, handling all aspects of the transaction from due diligence through closing.
- Served as lead counsel in the acquisition of multiple service station portfolios throughout the western United States from a global petrochemical company, and the related debt and equity financing arrangements.
- Represented a prominent school of higher education and its board of trustees in merger discussions and eventual affiliation with another large university. He negotiated deal points, amended entire bylaws and advised board members on a number of corporate governance issues.
- Worked on the acquisition of a power plant in the Caribbean, developing a corporate organizational structure that would allow the company to avail itself of the economic benefits in the U.S. Virgin Islands, and undertook complete due diligence to acquire the plant, negotiating acquisition documents and instruments. He also negotiated fuel supply agreements and offtake agreements, worked through permit issues, and coordinated rights to discharge water waste.
- Represented a leading self-storage owner and developer in acquiring significant holdings and operations throughout California, including the related joint venture and financing deals.
- Served as lead counsel for Arnold Palmer Golf Management in the development of a number of golf courses and country clubs in partnership with nationally recognized universities.

Litigation Matters

- On behalf of one of the largest retail petroleum operators in Northern California, supervises and strategizes all aspects of real estate and operator disputes, as well as employment law matters.
- Managed litigation and led mediation/settlement efforts to recover a fraudulently induced investment and to defend real estate easement claims for a huge, privately owned conglomerate of companies based in Asia. He currently leads the defense of another matter for the client involving derivative claims and breach of fiduciary duty in a shareholder/corporate dispute for the client.
- Represents one of the nation's premier builders of military housing units. He has supervised and strategized all aspects of various prime/subcontractor disputes, including a large class-action wage-and-hour claim and a complex subcontractor dispute where Mike personally engaged in a series of mediations over 18 months that

resulted in very favorable settlements.

- Served as a member of a litigation team working on discovery and pretrial preparation involving a claim that was resolved following trial and before entry of what was to be a $1 billion-plus judgment in the client's favor. He was one of three people responsible for negotiating and documenting the global settlement.
- Worked with the executive team of a major West Coast coal throughput facility to successfully maintain an export channel to Asia while minimizing the competition.
- Played a significant role in the Diocese of San Diego bankruptcy, developing a novel strategy whereby the parishioners intervened in the bankruptcy, claiming the churches and schools belonged to them and not the Diocese, which ultimately led to protection of the assets for the parishioners, and pressuring settlement of the case.

AWARDS

- Leaders in Law, *San Diego Business Journal* (2020)
- One of the 50 Influential Leaders in San Diego, *The Daily Transcript* (2018)
- *Best Lawyers in America®:* Real Estate Law (2018-2027)
- Top Lawyer, *San Diego Magazine*
- *Transcript* 10 Top Attorney by the San Diego *Daily Transcript* (2012)
- The Best Golf Lawyers in the Country, *The A Position*
- One of the 10 Best Attorneys in the Golf Industry, *Golf Inc.* (2011, 2012)
- Nominated as a San Diego Top Influential, by the San Diego *Daily Transcript* (2010, 2011, 2013, 2014)
- Achieved an AV® Preeminent® Peer Review Rating, Martindale-Hubbell
- California Leading Lawyer, Real Estate, *Chambers USA* (2007, 2008, 2009)
- Received an award for his "outstanding commitment and support to helping disabled veteran businesses," Elite Disabled Veteran Business Enterprise Network
- *San Diego Super Lawyer*, Business/Corporate

TOP AREAS OF FOCUS

- Hospitality
- Investment, Acquisition + Disposition
- Litigation + Trial
- Real Estate
- Real Estate Leasing

ALL AREAS OF FOCUS

- Energy
- Hospitality
- Investment, Acquisition + Disposition
- Litigation + Trial
- Real Estate
- Real Estate Joint Ventures + Investments
- Real Estate Leasing
- Renewable Energy

PROFESSIONAL/COMMUNITY INVOLVEMENT

- FIRE fellow, Notre Dame Fitzgerald Institute for Real Estate (2026-present)
- Member, Advisory Board, Burnham-Moores Center for Real Estate Policy (2017-present)
- Board of Trustees (2014-present), chair (2020-present), California Western School of Law
- Parent's Executive Counsel, Villanova University (2019-present)
- Board of Directors and Executive Committee, St. Augustine High School (2016-present)
- Law School Advisory Council, University of Notre Dame (2007-2010)
- Chairman, Farmers Insurance Open, San Diego's PGA Tournament (2016)
- Member and former Board member, Century Club of San Diego (2006-present)
- Campaign cabinet member, United Way of San Diego County (2009-2010, 2015-present)
- Member, San Diego Bowl Game Association (2017), Executive Committee for 2018 Notre Dame v. Navy Game
- Member, San Diego Imperial Council, Champions of Scouting, Boy Scouts of America (2009-2011, 2017)
- Member, Budget and Finance Committee, City of Solana Beach (2005-2016)
- Member and chair, Advisory Board, St. James Academy (2007-2014)
- Board of Directors, Notre Dame Alumni Club of San Diego (2000-2010)
- Advisory Board of Governors, Lomas Santa Fe Country Club (2007-2010)
- IMPACT San Diego, A LEAD San Diego Program (Class of 2012)
- INFLUENCE San Diego, A LEAD San Diego Program (Class of 2011)

EDUCATION AND CERTIFICATIONS

EDUCATION

- Notre Dame Law School, J.D., 1992
- University of Notre Dame, B.B.A., 1989

CERTIFICATIONS AND MEMBERSHIPS

- California Real Estate Broker

BAR ADMISSIONS

- California

COURT ADMISSIONS

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Southern District of California

SPEAKING ENGAGEMENTS

- "The Future of the Golf Industry: Leadership Perspectives," *Golf Inc.* Strategies Summit, September 17, 2025.
- "Golf's Future Outlook: Profit & Investment Strategies for the Post-Boom Industry," *Golf Inc.* Strategies Summit,

October 12, 2022.

- "The Business of Golf," Executive Roundtable, *San Diego Daily Transcript*, June 24, 2013.
- "Global Golf Development: Where It's Headed," *Golf Inc.*, 2008 Fall Conference, Scottsdale, AZ, September 30, 2008.
- "Golf Community Planning Workshop: A Live Session," *Golf Inc.*, 2008 Spring Conference, Miami, FL, April 21, 2008.
- "Negotiate the Best Deal: Community vs. Golf," *Golf Inc.*, 2007 Spring Conference, Austin, TX, March 21, 2007.

PUBLICATIONS

- Co-author, "When It's Time for a Member-owned Club to Sell," *Golf Inc.*, November/December 2019.
- Co-author, "Prescriptive Easements in California," *Real Estate Investing Wealth Magazine*, 2013.
- Co-author, "Prescriptive Easements in California," *San Diego Daily Transcript*, 2013.
- Author, "Troutman Sanders Represents Clients from US to China," *San Diego Daily Transcript*, 2012.
- Author, "Trade Secrets," *Golf Inc.*, March 2005.

MEDIA COMMENTARY

- Quoted, "No Mulligans: Budget Woes Close More University Links," *Law360*, September 8, 2025.
- Mentioned, "Mexican Group Buys U.S. Dealerships," *Automotive News*, March 5, 2023.
- Quoted, "Time for Offense," *Golf, Inc.*, November/December 2022.
- Mentioned, "Century Golf and HKI Partner Again to Buy La Posas CC," *Golf Inc*., February 12, 2021.
- Mentioned, "Troutman Pepper Negotiates Sale of Las Posas Country Club and Golf Course in Camarillo, California," February 4, 2021.
- Mentioned, "Troutman Pepper Represented Palm Desert, CA HOA in its Acquisition of the Palm Desert Resort Country Club," July 9, 2020.
- Quoted, "How Hospitality Industry Lawyers Are Working to Save Companies From COVID-19 Disaster," *Law.com*, March 25, 2020.
- Mentioned, "Third Victory for Troutman Sanders' Client Symphony Asset Pool XVI, LLC, Developer of Belmont Park," April 23, 2019.
- Quoted, "Paul Allen-owned Course Sells for $11.3M," *Golf, Inc.,* March 14, 2019.
- Quoted, "Bob Husband's Company Adds Another Course," *Golf, Inc.,* November 16, 2018.
- Mentioned, "Troutman Sanders Closes Sale of Copper River Country Club," November 7, 2018.
- Mentioned, "Troutman Sanders Closes Sale of Pauma Valley Country Club for Equity Memberships," October 3, 2018.
- Quoted, "Families, Player Development Key to Golf's Growth," *San Diego Daily Transcript*, June 28, 2013.
- "Troutman Sanders Attorney Combines Passion for Golf and Charity at the Century Club," *San Diego Daily Transcript,* June 28, 2013.
- Quoted, "The Next Stage for Law Firms," *Our City San Diego*, September/October 2012.
- Quoted, "Businesses Leave Downtown for North County," *San Diego Daily Transcript,* June 14, 2011.
- Monthly Real Estate Question & Answers, *San Diego Business Journal*, March 23, 2005.